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ON PETITION

In re Application of  
Hutchens, et al.  
Application No. 10/626,302  
Filed: July 23, 2003  
Attorney Docket No. 016866-002113  
For: RETENTATE CHROMATOGRAPHY AND PROTEIN  
CHIP ARRAYS WITH APPLICATIONS IN BIOLOGY AND  
MEDICINE

This is a decision on the petition filed June 8, 2004, requesting, in effect, withdrawal of the Notice to File Corrected Application Papers (Notice), mailed April 29, 2004, insofar as it alleges Figure 19d was not filed on July 23, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on July 23, 2003. On April 29, 2004, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of July 23, 2003, requesting replacement drawings, and advising applicants that Figure 19d described in the specification appeared to have been omitted.

In response, the present petition was filed. The petition does not allege and is not accompanied by any evidence that any sheet of drawings containing the label "Fig. 19d" was present in the Office on July 23, 2003. The drawing figures present on filing contain a Figure 19 which consists of Figure 19a -c and another figure on the same sheet that is not labeled. The specification refers to "Figs. 19a-d," but no figure labeled "Fig. 19d" is present.

A sheet of drawings containing a "Fig. 19d" was not present when the application was filed. Thus, the replacement sheet of drawing submitted with the instant petition, depicting Figure 19 as broken down into Figure 19a-d will not be processed. Petitioners should file a replacement sheet of drawings for Figure 19a-c and leave what should have been labeled Fig. 19d unlabeled. This would be a replacement of what was filed on July 23, 2003.

The "Notice" mailed April 29, 2004, was correct in advising applicants that a drawing of Figures 19d appeared to have been omitted. The "Notice" was properly mailed and will not be withdrawn. The petition fee is required, since the petition was not necessary to correct any USPTO error.

The petition is dismissed.

Petitioners should submit a letter to the draftsman correcting the labeling of Figure 19 prior to the first Office action.

The application is being returned the Office of Initial Patent Examination for further processing with the presently accorded filing date of July 23, 2003.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, appearing to read "E. Shirene Willis".

E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy